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EXAMINER	
KAHELIN, MICHAEL WILLIAM	
ART UNIT	PAPER NUMBER
3762	

NOTIFICATION DATE	DELIVERY MODE
10/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see "Remarks/Arguments", filed 10/5/2010, with respect to the §112(2) rejection of claims 49-54 have been fully considered and are persuasive. The rejection of claims 49-54 under §112, para. 2 has been withdrawn. The amendments to claims 49-51 and Applicant's indication in "Remarks" that the controller element is configured to carry out the recited functions (see pg. 9 of "Remarks") is sufficient to overcome the §112(2) rejections of the previous Office Action.

2. Applicant's arguments filed 10/5/2010 with respect to the rejections under §103 have been fully considered but they are not persuasive. Applicant argued that Moberg fails to disclose a user interface configured for providing an audio output representative of the audio signal, and thus the rejection fails to take into account all elements of the claim. However, page 4 of the previous Office Action clearly indicates that Moberg is lacking explicit disclosure of this feature, but this feature is well-known in the implantable device art. Paragraph 13 of the same Office Action additionally provides one of many teachings of this well-known concept (See US 7,035,684 to Lee, at e.g., "abstract" or Fig. 4). Applicant does not appear to dispute that the features are in fact "well-known," but only asserts that the rejection is unclear as a basis for withdrawing finality. However, the examiner respectfully maintains that this is a proper application of Official Notice, and it is further noted that this is not even a taking of Official Notice without documentary evidence, as evidence was clearly cited in paragraph 13 of the previous Office Action.

3. Applicant further argued that Moberg fails to disclose correlating heart sounds with the cardiac features of the cardiac electrical signal. The examiner respectfully maintains that using one of the two signals to confirm arrhythmia in the other signal (as described by Moberg at col. 18, line 49 to col. 19, line 17) fairly constitutes "correlating" because "correlating" is merely establishing a mutual relationship between two things (see attached exemplary definition from Oxford University Press). If the scope of "correlating" as claimed requires something more than this, as Applicant appears to assert, these additional limitations on the scope are absent from the disclosure, claims, and remarks.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL KAHELIN whose telephone number is (571)272-8688. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Niketa Patel can be reached on (571) 272-4156. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Kahelin/
Examiner, Art Unit 3762